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**BOARD OF SELECTMEN
MEETING MINUTES
5/4/10**

The Board of Selectmen met in the Town Hall, Joseph F. Bilotta Meeting Room as scheduled with Thomas Alonzo, Paula Bertram, Steven M. deBettencourt, Thomas Mason, Dave Matthews and Town Manager Kerry Speidel present. Meeting opened at 6:01 P.M. and Recessed Regular Session at this time to open Executive Session by roll call vote; Steve aye, Tom A. aye, Paula aye, Tom M. aye and Dave aye, for the purpose of discussing Hollis Hills litigation when having in open session would be detrimental to the town's litigation strategies, MGL Chapter 39, §23B (3). Chairman announced that the Board would be returning to Regular Session, which reconvened at 7:03 PM with the Pledge of Allegiance

PUBLIC COMMENT

Chair noted the passing of Fred Hobbs who passed away Sunday; he graduated from Lunenburg High School with the class of 1944, served in the U.S. Navy in both the Atlantic and Pacific sectors from 1944 to 1946. After his discharge, Fred returned home and worked in Fitchburg. He joined the Lunenburg Police Department as a reserve officer in 1947, graduated from the Massachusetts State Police Academy Local Police Officers Training School in 1955, and went on to serve as a regular officer and later sergeant. Fred became chief of police in 1969 and served until 1982. In retirement he worked as a school bus driver for several area companies. He was a member and former president of the Lunenburg Police Relief Association and a member of the Central Massachusetts, Massachusetts, and New England police associations. He was also a member of several civic organizations including the Friends of the Eagle House Senior Center, of which he was president from 1997 and 2001; the Montachusett Opportunity Nutrition Advisory Board; the Lunenburg 250th Anniversary Parade Committee; and the Lunenburg Historical Society. His funeral is tomorrow at 11:00 AM at the United Parish in town, offered a moment of silence.

Dave expressed appreciation to the public for their attendance at the town meeting and to the Town Manager, School Superintendent that the staff for all working together.

Board also expressed appreciation to all those who were involved in the Chester Mossman Teen Center Soiree.

ANNOUNCEMENTS

1. **Annual Town Election – May 15, 2010, TC Passios Elementary School, 7:00 am – 5:00 pm** – Chair announced election polling place/times and noted that the candidate debate is being shown again this week on the local access television station this Thursday @ 9:00 PM and Friday @ 8:00 PM.

2. **Yard Waste Days – Saturdays - April 24th – May 29th, 8:00 am – 4:00 pm, Closed Landfill, Youngs Road** - at the closed landfill, Youngs Road – Guidelines for disposal of yard waste for Lunenburg residents: The Lunenburg Landfill, off of Youngs Road will be open for consecutive Saturdays APRIL 24TH – MAY 29, 2010, 8:00 a.m. to 4:00 p.m., Acceptable material: grass clippings, bark mulch, wood chips, leaves, brush (with a diameter not to exceed 3 inches ... unlimited length). Shrubbery and plantings; with the same restrictions. Any container; bags, boxes, barrels, trashcans, tarps, flower pots, etc., must be removed and taken by the resident. No household garbage, trash, or rubbish of any kind will be accepted. No materials within the Landfill area; sand, stone, gravel, etc. are to be given away or sold. Access will be restricted to the disposal area. Commercial landscapers will not be allowed to dump. OPEN TO LUNENBURG RESIDENTS ONLY. TRAVEL PERMITTED ONLY ON TOWN EASEMENT. NO TRESPASSING ON TRI-TOWN LANDING CONSTRUCTION SITE.

3. **Turkey Hill Lions Club Fundraising Roadblock – Saturday, May 25, 2010 - 8:00 am – 2:00 pm** - The Turkey Hill Family Lions Club is seeking permission to hold their spring roadblock on Saturday, May 15, 2010 from 8:00 A.M. to 2:00 P.M. The locations will be the same as last fall, the intersection at the center of Town, Massachusetts Avenue and Leominster Road and Whalom Road and Electric Avenue. Chief Bourgeois has approved this request and noted that this is not actually a "roadblock".

4. **Memorial Day Services, Lunenburg Post No. 283, American Legion – Veteran's Park – 5/30/10 @ 11:45 am** - Chair encouraged people to attend the commemorative service for those who have fallen and questioned whether any board member will attend. He will attend this year.

APPOINTMENTS

1. **7:10 PM - Grant of Easement – 29 Meadow Lane** – tabled until next week.

2. **7:15 PM - Public Hearing All Alcoholic Liquor License Application, 310 Massachusetts Ave., Melendez Mangana d/b/a Dario's** – Chair read the following notice of Public Hearing: The Licensing Authority will hold a Public Hearing on May 4, 2010 at 7:15 PM in the Joseph F. Bilotta Meeting Room, 2 Floor Town Hall on the application for a Common Victualer All Alcoholic License. This

application is being submitted by Melendez Magana, Inc, d/b/a Dario's. This license is to be exercised at the premise located at 310 Massachusetts Avenue, Lunenburg MA 01462. Thomas A. Alonzo, Chairperson, Board of Selectmen/Licensing Authority Attorney Damian Riddle was present representing Dario's informed the board that they are currently operating with a Wine & Malt License and have done a number of improvements to their establishment and customers have been requesting mixed drinks, not just beer & wine. Primary purpose of this business would still be to serve food. No change in hours of operation, if this is allowed he would make a small bar area where they could prepare mixed drinks. Omar and the Manager are both TIPS certified and the employees all have experience in the liquor industry.

Robert Novacek of 170 Island Road, General Manager of Olive Garden and stated that this would be a great opportunity for this business.

Dave MacDonald of 155 Island Road also spoke in favor of granting the license.

Janet & Gary Leavitt of 30 May's Street, stated that Omar runs a very conscientious establishment and that they've been wonderful and both are in support of granting this license.

There was no opposition to the application.

Chair entertain a motion to rescind the beer & wine license, moved by Paula, seconded by Steve voted unanimously to rescind the beer and wine license currently held by Dario's. Paula motioned to approve the all alcoholic license, Steve seconded, voted unanimously to approve.

3. 7:30 PM – Change of Manager, Victory Distributors, Inc., d/b/a Hannaford Supermarket & Pharmacy, 333 Mass Ave., Angelo Bisol – present was Angelo Bisol and explained that the prior manager has accepted another position and he (Angelo) has been transferred to the Lunenburg store and is a resident of Fitchburg. He has been doing this type of business for 32 years, previously with Victory Supermarket, and currently at the Twin City Hannaford store. Tom M., move to grant change of manager, Paula seconded, voted unanimously.

4. 7:45 PM – Interview - Daniel Gould, Reserve Police Officer Appointment (term 6/30/11) – Chief Bourgeois offered for the board's consideration Dan Gould for the position of intermittent officer. Currently on the Fire Department and comes from a family of police officers. Per Dan, it is in his blood and he wants to follow along the family line.

Board concurred that it would be an honor to have Dan aboard, Paula motioned to appoint, Steve seconded, voted unanimously.

CURRENT BUSINESS

1. Minutes - Board of Selectmen regular session for 3/30/10 reviewed and signed.

Warrants - #60 10, 5/4/10 - \$260,012.08 reviewed and signed.

Action File Issues – Steve passed out the attached article which was in the Telegram on an investigation underway by DEP regarding contaminated soil as the article states that some of this went to Lunenburg and would like to request we inquire from DEP as to where this was disposed of. Would rather know about this, sooner rather than later, would like a letter drafted from our office also sent a copy of this over to our Board of Health.

2. Manager Updates

- Heard from Trish Donigan from VHB on the Summer Street project and DOT will be bringing this project before the review committee and if approved then it needs to go back to MRPC to be programmed into the Transportation Improvement Plan (TIP). Still looking at this taking several years out, but this is encouraging news that we've had.

OLD BUSINESS

1. Town Manager Evaluation – Tom A., would like all forms submitted to him by Friday afternoon, May 4th and noted that Mr. Mason's last week is next week and wanted him to be involved in the Town Manager evaluation.

2. Committee Updates -

COMMITTEE RESIGNATIONS / APPOINTMENTS / REAPPOINTMENTS

1. Resignations – Mary Gould, Personnel Committee – effective June 1, 2010. Board accepts with regrets, would like a letter signed by the board for next week.

Anthony Caiozzo, Computer Advisory Committee – board accepts with regrets and also a letter to be signed by the board. To be posted with other vacancies.

Appointment - Daniel Gould, Reserve Police Officer - Paula motioned to appoint, Steve seconded, voted unanimously.

EXECUTIVE SESSION

1. Litigation Strategies @ 6:00 PM

Being no further business board voted unanimously to adjourn Regular Session at 8:35 P.M.

Respectfully submitted,

Laura Williams, Chief Administrative Assistant
Board of Selectmen

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Soil cleanup is questioned DEP probe clouds tech development

By Karen Nugent TELEGRAM & GAZETTE STAFF

LEOMINSTER — The proposed Southgate technology park off Route 12 on the Sterling line is under investigation by the state Department of Environmental Protection because contaminated soil allegedly removed by the previous owner is unaccounted for.

A March 3 letter to the City Council from Martin Suuberg, the agency's regional director, says while the most recent report from the current owners, James S. Whitney and Bary Cosimi of Leominster, shows contamination has been reduced significantly, but there is nothing documenting if or how soil was excavated and where it went.

The letter says past and current owners of the property are responsible for the cleanup, and "definitive information" must be provided to the DEP by those involved in the excavation and removal.

"To date, Mass DEP has not received this information, despite requests to multiple parties, including past and current owners," the letter says.

However, Mr. Whitney, who bought the property in 2005, said yesterday that his company has received two approved environmental reports from the DEP, in 2005 and 2009, and that it is the former owner, Paul R. Lukashuk - who has since moved to Arkansas - who has not responded to repeated requests for information.

Mr. Whitney said he did not remove soil from the site and has no idea what happened under Mr. Lukashuk's ownership.

"We gave them (DEP) everything we had - boxes and cartons of stuff - and they found we did nothing wrong," he said.

The city recently received a \$1.1 million state grant to build a road, sidewalks and storm drains into the planned technology park, as part of a public-private partnership. Besides the technology park, the project includes a 156-unit housing complex on the Sterling side.

Mr. Whitney said only 1.5 acres of the 60-acre site was contaminated.

The land, at 1537 Central St., for years was a junkyard-recycling center and smelting operation.

Jet engines, circuit boards, wood pallets, transformers, batteries, ash slag, old Digital Equipment Corp. computers, tractor trailers and other items left there resulted in high levels of lead, cadmium and polychlorinated biphenyls in the soil.

A nearly 3-inch-thick 2001 environmental study done by Brown and Caldwell, environmental engineers, for an earlier prospective buyer, Waste Management Inc., found the high metal levels of lead, cadmium and PCBs in the soil, along with a dark oil-stained area of soil. The report contains dozens of pages of abnormal test results.

Also in 2001, DEP issued a notification of a release of PCBs and arsenic that posed a soil or groundwater threat from dumping, leaking and spills into soil. Cadmium and lead were also found above acceptable levels at that time.

A 2008 DEP report says high levels of cadmium and lead could pose an imminent hazard. But 2009 reports from the state agency, and by Triumvirate Environmental Inc. of Somerville, hired by Mr. Whitney, say there are no imminent hazards, although some PCBs were detected.

In a Jan. 28, 2008, deposition given by Mr. Lukashuk as part of a civil case brought by David P. Bodanza, a Leominster lawyer, against Mr. Whitney, the Sterling Zoning Board of Appeals and others, Mr. Lukashuk said he gave the 2001 environmental report to Mr. Whitney. He also said he was told by Mr. Whitney's lawyer, Peter A. Campobasso of Leominster, that Mr. Whitney and Mr. Cosimi planned to remove the contaminated soil in an "unconventional manner."

Mr. Lukashuk, formerly of Maynard, said in the deposition that Mr. Whitney dumped contaminated soil off Legate Hill Road, across Route 12 from Southgate, in another of Mr. Whitney's projects.

"Well, they literally lugged it across the street," Mr. Lukashuk said in the deposition. He said he followed a truck up Legate Hill Road and saw soil dumped off Kate Road.

"And they tricked me - said we're going to clean it up by unconventional methods," he said in the deposition.

He also said some of the soil was taken to Lunenburg, but he did not know where. ←

When asked by Mr. Bodanza why somebody would remove dirt that way, Mr. Lukashuk responded: "Evidently, trying to hide things from the Zoning Board of Appeals in Sterling. That would be my supposition. And I suppose I'm liable too. I don't think anybody in their right mind would buy a piece of industrial property that they know it's a junkyard at the time - and it was a junkyard - without doing any kind of preliminary investigation first."

Mr. Whitney contends the sudden demands by the DEP were initiated by City Councilors David E. Rowlands and John M. Dombrowski, because they dislike Mr. Whitney and Mayor Dean J. Mazzarella, who directed the city to apply for the state grant and who supports the project.

"Those two have been trying to tarnish this project since day one," Mr. Whitney said. "They just don't want to accept the fact that it's clean."

At a City Council meeting last month, during a discussion on using the grant to build the road, Mr. Rowlands said he checked the DEP Web site and found that the agency had not signed off on the property. At the next meeting, Mr. Dombrowski questioned where the contaminated soil was taken, and what happened to the 2001 report. A letter from the City Council was subsequently sent to the DEP, prompting the March 3 response.

Yesterday, Mr. Dombrowski said he voted in favor of the project at first but became concerned about the contamination.

"Where has that soil been moved to? I don't want people's safety and public health to be put in jeopardy. This has everything to do with doing the right thing," he said.

Mr. Whitney said his lawyer has contacted the DEP, and that a letter absolving him and clarifying the investigation will be forthcoming.

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